THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.383 of 2007

Dated:05th January, 2007

Between:

V.Raju.

…..PETITIONER

AND

The Depot Manager, APSRTC,
Gajuwaka Bus Depot,
Visakhapatnam District, A.P and
another.

….RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.383 of 2007

Order:

The petitioner is working as a conductor in the respondent-APSRTC. Disciplinary proceedings were initiated against him and a charge sheet dated 14-06-2000 was issued alleging certain cash and ticket irregularities for which petitioner gave his explanation on 28.6.2000. However, having not satisfied with the explanation offered by the petitioner, an enquiry was ordered. The enquiry officer conducted an enquiry and submitted his report holding the charges were proved. The respondent without furnishing copy of the enquiry report and even without issuing a show cause notice, passed final orders dated 04-11-2000 imposing the punishment of deferment of annual increments for a period of two years with cumulative effect. Hence, the present writ petition.

Learned counsel for the petitioner submits that the respondent without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005.

Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. The operative portion of the said order, reads as under:

> *"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.*
>
> *The writ petition is accordingly disposed of. There shall be no order as to costs."*

Since, the issue raised in the writ petition is with regard to imposition of punishment without issuing a show cause notice, which is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, I deem it appropriate to dispose of the writ petition with the following direction.

The impugned order dated 03-07-1991, passed by respondent, imposing punishment of stoppage of annual increment for a period of two years with cumulative effect, is modified to that of stoppage of annual increment for a period of two years without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 05.01.2007
grk

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 383 of 2007

Dated: 05-01-2007